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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third periodic reports of States parties

EGYPT*

* For the initial report submitted by the Government of Egypt, see CEDAW/C/5/Add.10 and CEDAW/C/5/Add.10/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.34 and CEDAW/C/SR.39, and Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 45 (A/39/45) paras. 181-235. For the second periodic report submitted by the Government of Egypt, see CEDAW/C/13/Add.2 and CEDAW/C/13/Add.2/Amend.1, for its consideration by the Committee see CEDAW/C/SR.164 and CEDAW/C/SR.165, and Official Records of the General Assembly, Forty-fifth Session, Supplement No.38 (A/45/38), paras. 386-409.

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INTRODUCTION

Egypt consistently demonstrates every respect for the full and effective implementation of international human rights treaties and conventions in all international and domestic forums. It also respects the diverse nature of societies and the heritage, cultural characteristics and prevailing values stemming from their historical development. These should not, however, conflict with the values that the international community protects by means of these instruments, as was stressed in the report of the 1993 Vienna World Conference on Human Rights.

This unshakeable policy represents Egypt's national view and its strategy with regard to human rights and freedoms at the domestic, regional and international levels. This view has been expressed in the Egyptian reservations to some provisions of the instruments in question, which have the purpose of ensuring their implementation while at the same time preserving the national particularities of Egyptian society along with those of its historical and cultural customs, characteristics and creeds that do not conflict with or infringe upon the instruments but are decidedly within the scope of the protection they provide to rights and freedoms.

At the beginning of this century, the cultural, historical and ideological resources of the Egyptian people were an important factor in paving the way for Egyptian women to launch the movement for their advancement. Supported by a historical background of positive participation in building civilization in the Nile Valley, Egyptian women have played a vital part in the revival and development process. They are capable of genuine partnership in confronting all life's challenges and using society's resources in order to promote the advancement of women and realize their current and future ambitions. The women's movement has been continuously supported and encouraged by all governmental and non-governmental institutions and by all groups and classes of the Egyptian people.

PART ONE

GENERAL INFORMATION ON THE SITUATION OF WOMEN IN EGYPT

The following table shows the current situation with respect to a number of general indicators together with the figures as given in Egypt's second periodic report for purposes of comparison.

	Item	Previous situation	Current situation
1	Population	45 million	59 million (1993)
2	Women as percentage of population	49.2	98.5 males for every 100 females
3	Number of political parties	5	13 (1993)
4	Number of ministers	31	34
5	Number of women in the Cabinet	One (Ministry of Social Affairs)	Two (Ministry of Social Affairs and Ministry of Scientific Research)
6	Female illiteracy rate	62% (1986)	57.41% (1992)
7	Rate of enrolment for compulsory education	74%	91.41% (1992)

I. GOVERNMENT POLICY ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

At the beginning of the nineteenth century, Egypt began its modern renaissance by building a State influenced by Western culture. An enlightened movement was the standard-bearer for this goal in opposition to those who rejected progress. Throughout the changes of political system and authority in Egypt from the beginning of the nineteenth century to the present day, there has been sustained support for this enlightened movement, one of the most important goals of which was to guarantee the rights of women and encourage them to take their proper place in society.

Ever since Egyptian women began their renaissance movement at the beginning of this century, the Egyptian Government has taken whatever measures were necessary and appropriate in order to support, strengthen and develop all enlightened tendencies which supported and assisted that movement. The 1923 Egyptian Constitution gave expression to the clear inclination of the Egyptian Government and people when it stipulated, in article 19, that primary education was compulsory for Egyptian boys and girls. The 1956 Constitution reflected the achievements and successes of the women's movement at that time at the local and international levels. It also took into account the provisions of the Convention on the Political Rights of Women, adopted by the General Assembly in 1952. In article 31, it laid down the principle of equality and

non-discrimination on grounds of gender, origin, language, religion or ideology. In article 19, it established the obligation of the State to help women reconcile their duties to their families and their work.

Pursuant to this constitutional principle, in 1956 the law on the exercise of political rights stated that women had the right to vote and to stand for election to parliament and all local councils. In 1971, the present Egyptian Constitution made a commitment, awaited at that time by the people, to two international human rights instruments: the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights. Articles 11 and 40 are in direct response to the principles of those instruments, and articles 10 and 11 respectively introduced the State's obligation to protect the mother and child and to guarantee the equality of men and women in the political, social, cultural and economic spheres.

Legislation was introduced pursuant to the aforesaid constitutional principles that confirmed the precepts of equality and non-discrimination against women. (The relevant legislation will be discussed in detail in chapter II of this part). At the practical level, these principles have found expression in a number of governmental and non-governmental organizations and institutions that endeavour to encourage and support the genuine enjoyment by women of all their rights and to develop their effective participation in all spheres on an equal footing with men. (This will be discussed in detail in chapter IV of this part).

Egyptian women have made a number of significant gains as a result of State support in various areas of the women's movement. Similarly, the State's efforts to elaborate women-oriented development plans, particularly in education and the eradication of illiteracy, have, by controlling the population-growth rate, had an impact on the realization of one of the State's goals. As a result, Egypt has been awarded the United Nations Population Award.

Egyptian women's important and influential participation in the general workplace has culminated in appointments to two ministries in the current Cabinet and an increase in the number of women appointed to positions of authority in various sectors in the country, both governmental and non-governmental.

State efforts with regard to the eradication of female illiteracy have had notable success in reducing illiteracy to acceptable levels. (These rates are given in the table of general indicators that appears at the beginning of this part of the report).

II. LEGAL AND OTHER MEASURES RELATING TO THE IMPLEMENTATION OF THE CONVENTION

In 1932, out of commitment to its vision of and national strategy concerning non-discrimination against women and their equality in all fields, and in accordance with the provisions of successive Egyptian constitutions since 1923, Egypt acceded to the International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic and to the International Convention of

4 May 1910 for the Suppression of the White Slave Traffic. In 1955 it acceded to the Protocol amending those instruments. In 1959, pursuant to Republican Decree No. 884, Egypt acceded to the Convention that replaced the two previous instruments, namely the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in 1949.

Subsequently, in 1971, Egypt signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966. Pursuant to Republican Decree No. 345 of 1981, Egypt acceded to the Convention on the Political Rights of Women and, pursuant to Republican Decree No. 434 of 1981, it acceded to the Convention on the Elimination of All Forms of Discrimination against Women. At the time, and in accordance with the provisions of articles 28 and 29 of the Convention, Egypt made its reservations clear. The international instruments referred to above and the other human rights instruments to which Egypt has acceded form a legislative basis in the Egyptian legal system, since, with their publication in the Official Gazette following the necessary constitutional procedures, these instruments became Egyptian law in accordance with the provisions of article 151 of the present Constitution. (The Convention on the Elimination of All Forms of Discrimination against Women was published in Arabic in issue No. 51 of the Official Gazette on 17 December 1981.) Below, we will refer to some of the relevant basic Egyptian laws.

1. Political rights

Article 1 of Law No. 73 of 1956 on the exercise of political rights stipulates that all Egyptian men and women over 18 years of age may personally exercise their specified political rights. Article 4, as amended by Law No. 4 of 1979, obliges men and women to register as voters. (This is in accordance with the Convention on the Political Rights of Women, and it preceded Egypt's accession thereto.)

2. Work

Article 130 of Law No. 197 of 1959, concerning the Labour Code, stipulates that all its provisions apply to working women, with no distinction as to job. Law No. 137 of 1981 (the present Labour Code)[1] does the same. In accordance with the International Labour Organization conventions concerning the employment of women, the law prohibits the employment of women in jobs that could damage their health or morals or in any other job to be specified by the relevant ministries. The Law gives a woman the right to take 50 days' maternity leave on full pay three times during her working life. For the 18 months following the date of delivery, she may take two rest breaks on full pay, in addition to the fixed break, in order to breastfeed her child. The Law requires any employer of more than 100 women to set up or share the cost of providing a nursery, and in article 174 it provides penalties for any infringement of the provisions regarding the employment of women.

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[1] This law applies to the private sector, but not to those working in the public sector or employed by the State (see para. 6).

3. Education

Article 15 of Law No. 139 of 1981 concerning education grants the right to eight years of free elementary education to all Egyptian children (boys and girls) from the age of six. It obliges the State to make provision for this right and the parents or guardians to implement the obligation, in accordance with the relevant international instruments. Penalties for any infringement of the provisions of the Law by the parents or guardians, irrespective of whether the child is male or female, are stipulated in article 19 of the same Law.

4. Civil capacity

In accordance with the provisions of the Civil Code and related laws, all Egyptians, male and female alike, enjoy civil rights in conformity with the legally established provisions relating to capacity, from the point of view of the terms on which they can or cannot be invoked. In this respect, there is no discrimination and there are no restrictions that apply to women and not to men. Marriage does not annul or otherwise affect these rights and does not place any restrictions on their exercise by women.

5. Laws of litigation

The right to litigate is guaranteed to both men and women on an equal basis without differentiation, discrimination or preferential treatment. The laws relating to litigation make no distinction in this respect: Egyptian women have the right of recourse to the law in all its forms and at all levels, the right to act as a witness in court and the right to benefit from the relevant court and legal assistance systems.

6. Laws governing employment by the State

There are no provisions in the laws governing the arrangements for those working for the State or in the public sector that prejudice the principle of equality between men and women. On the contrary, women have privileges such as three months' maternity leave with full pay on three occasions during their working life.

7. Social insurance

Similarly, the laws relating to social insurance and pensions make no distinction between men and women with regard to the rights they provide. Rather, in some cases, a woman has the right to combine her own pension with that of her husband.

8. The Nationality Law

In accordance with the provisions of the Nationality Law (Law No. 26 of 1975), anyone, male or female, who is born in Egypt to an Egyptian mother and whose father is of unknown nationality or is stateless is entitled to Egyptian nationality. Nationality is also granted to anyone who is born to an Egyptian mother and whose paternity cannot be legally established, to anyone who is born in Egypt to two parents of unknown nationality and to anyone who is born outside

Egypt to an Egyptian mother and whose father is of unknown nationality or is stateless. A foundling in Egypt is deemed to have been born there failing proof to the contrary (arts. 2 and 3). This is in accordance with the Convention on the Reduction of Statelessness and with the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, and it is intended to prevent dual nationality and the resulting cases of conflict of laws at the international level. The provisions of this Law address the issue of nationality in the case of the marriage of a foreign man and an Egyptian woman or of an Egyptian man and a foreign woman by establishing the basic principle that Egyptian nationality may neither be imposed on a non-Egyptian woman without her consent nor withdrawn from her on termination of her marriage to an Egyptian unless she reverts to her original nationality. An Egyptian woman who marries a foreigner loses her Egyptian nationality only if she wishes to do so and if the law of nationality of her husband's country confers nationality on her. She nevertheless has the right to retain her Egyptian nationality if she wishes or to revert to it should the marriage be terminated. The law also stipulates that the withdrawal or forfeiture of nationality in the cases specified shall have no effect on any person other than the individual involved.

Where the nationality of a minor has been changed to that of his or her father, the law provides that he or she may choose to revert to his or her original nationality on reaching maturity. The First National Conference on Women in Egypt, held in 1994, recommended that consideration should be given to alleviating the difficulties faced by the children of an Egyptian mother and an alien father until such time as the issue of their loss of Egyptian nationality was resolved. Accordingly, the Minister of Education promulgated Decree No. 353 of 20 December 1994. This exempted immigrant students who were the offspring of divorced or widowed Egyptian mothers and who could demonstrate need from the payment of fees in State schools, thereby according them full equality with Egyptians in regard to financial treatment. The Decree also provided for the reduction of such fees by one half for the children of Egyptian women in other categories.

9. Health care

None of the laws relating to health care or health insurance contain any reference to discrimination between men and women with respect to the care patients should receive or the benefit to which they are entitled.

10. The Penal Code

The Egyptian Penal Code (Law No. 58 of 1937) categorizes all violence or attacks against women as crimes and regards the age of the victim and the degree of consanguinity or affinity between the victim and the assailant as aggravating factors in the assessment of penalties.

Article 267 provides a penalty of short-term hard labour for cases of sexual assault on women, to be increased to life imprisonment at hard labour in cases where the assailant is an ascendant or guardian of the victim or her supervisor, or is working in her home. The law introduces the death penalty for

the abduction of a woman through deception or by force if the victim is sexually assaulted (art. 290, as amended by Law No. 214 of 1980).

The law provides for a penalty of three to seven years' hard labour for the rape of a person, male or female, whether by use of force or of intimidation. Where the victim is under 16 or where the offender is the victim's ascendant, guardian or supervisor or works in the victim's home, the penalty imposed is the legal maximum. Where both of these conditions are met, the penalty is life imprisonment at hard labour (art. 268 on penalties).

The rape of a boy or girl under 18, even without force or intimidation, is punished by imprisonment. This is increased to life imprisonment at hard labour in cases where the victim is less than seven years old or the offender is the victim's ascendant, guardian or supervisor or works in the victim's home (art. 269 on penalties).

Egyptian law penalizes abortion resulting from beating or abuse or induced by drugs or other means. The former offence is punished by short-term hard labour and the latter by a prison sentence. These penalties may be applied to the woman if she is a willing party or places herself in the hands of another. The penalty is increased to life imprisonment at hard labour if the abortion is carried out by a doctor or midwife (arts. 260-263 on penalties). Other forms of abuse, beating and violence are dealt with in articles 240 to 244 of the Penal Code, and they are categorized according to whether they are accidental or intentional and whether weapons or instruments are used and by the damage caused. Penalties for the acts in motion vary in accordance with these criteria, and in this respect the law makes no distinction between men and women and its provisions apply without regard to marital status or consideration of kinship.

By articles 279 and 306 bis of the Penal Code, the legislature characterizes as a criminal anyone who commits an indecent act with a woman, even in private, or who does or says anything to a woman that offends her modesty. The penalty is imprisonment or a fine, and penalties are increased if the act is repeated within one year.

11. Combating prostitution

Subsequent to Republican Decree No. 884 of 1959, by which Egypt acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and pursuant to the provisions of the Convention, Law No. 10 of 1961 concerning the suppression of immorality was promulgated. The Law characterizes as crimes, incitement, procurement, enticement or seduction for the purpose of committing immoral acts or prostitution. Penalties are more severe when such acts are compounded by deception, force, intimidation or the abuse of power and when the victim is under 21 years of age (arts. 1 and 2 of the Law).

The Law also criminalizes enticement or procurement for the purpose of conveyance overseas or securing entry to the country of persons to be employed in prostitution (arts. 3 and 5). Penalties are increased in the aforesaid cases

where the victim is under 16 or where the offender is the victim's ascendant, guardian or supervisor or works in the victim's home (art. 4).

The Law punishes: the provision of assistance to a woman in the practice of prostitution or the exploitation of the prostitution of others; attempts to commit the offences referred to; the keeping, management or rental of a building for such a purpose and investment or employment therein; and cases of recidivism (arts. 6-13 of the Law).

12. Commercial competence

The age of majority is the same for both civil and commercial purposes in Egyptian law (art. 44 of the Civil Code and art. 4 of the Commercial Code), namely 21 for both men and women. This also applies to cases where exceptions to this are made and to matters concerning impediments to legal competence. Marriage has no effect on a woman's competence in this respect or on each spouse's individual property rights. The financial responsibilities of each remain separate.

Egyptian law requires a foreign spouse who engages in trade to declare the financial arrangements of his or her marriage.

13. Capacity for marriage, and family responsibilities

In Egypt, marriage is a consensual contract requiring the full and explicit assent of the woman. The minimum legal age for marriage is 18 for men and 16 for women. Since it is a matter that relates to personal status, it is also subject to the provisions of the religious law of each of the parties as they relate to validity and termination.

By law, women may have custody of their male children until the age of 10 and of their female children until the age of 12. The law provides for the possibility of extending a woman's custody of a male child until he is 15 and of a female child until her marriage. A father has the right to see his child throughout the pericd of maternal custody, and he remains responsible for financial support. In accordance with the law of trusteeship, a woman may be the trustee or guardian of a minor, subject to legally specified circumstances and conditions.

III. AUTHORITIES GUARANTEEING EFFECTIVE COMPLIANCE WITH THE PRINCIPLE OF EQUALITY BETWEEN MEN AND WOMEN, AND THE MEANS OF REDRESS AVAILABLE TO WOMEN

It is clear from the foregoing that, in accordance with the constitutional principles and legal precepts on which the Egyptian legal system is based, all State authorities are required in the performance of their functions to guarantee compliance with the principle of equality between men and women as embodied in article 40 of the present Constitution. Through its various bodies, the independent judicial authority provides women with full means of redress in accordance with the type of dispute and the parties involved, as set forth hereunder.

1. Supreme Constitutional Court

The legislative authority exercises its functions within the framework of compliance in the enactment of laws with the approved constitutional principles and provisions, including the principle of equality between men and women. The Supreme Constitutional Court is the means by which women may seek redress in respect of laws or ordinances enacted by the legislature. It is an independent judicial body established in accordance with the provisions of articles 174 to 178 of the Constitution, and it is unique in having the power to decide on the constitutionality of laws and ordinances and to interpret legislative and judicial texts in a manner binding on all State authorities. The annulment of any text deemed unconstitutional is effected by the publication in the Official Gazette, within the legally specified period, of Supreme Court judgements (Law No. 48 of 1979 concerning the Supreme Constitutional Court).

The Supreme Constitutional Court has issued a number of judgements relating to human rights in general and to the principle of equality in particular. Several legislative texts have been declared unconstitutional, as has any special treatment with regard to access to higher education that entails the admission of members of specific groups in preference to others who are more qualified in terms of the established admissions criteria. Such action was deemed a violation of the principle of equality (judgement issued in case No. 106/1985, Constitutional Court, session of 29 June 1985).

2. Administrative law (the Council of State)

In performing its functions with respect to the regulations and ordinances it issues, whether these affect members of the public individually or collectively and whether they concern services provided to citizens or formalities that citizens are obliged to complete, the executive authority is required to comply with established constitutional principles and legal norms, including the principle of equality between men and women. In this domain, women may seek redress under administrative law through the Council of State. This is an independent judicial body that decides administrative disputes and disciplinary actions (art. 172 of the Constitution). Law No. 47 of 1972, concerning the Council of State, assigns the tribunals of the Council of State the function of deciding on appeals brought by individuals or organizations for the annulment of administrative decisions and on applications for redress. They also review decisions relating to recruitment, promotion, salaries and allowances, separation, retirement and disciplinary action in the civil service.

The Law regards any refusal or failure of the authorities to take a decision that they are required to take in accordance with the relevant laws and regulations as itself constituting an administrative decision (art. 10 of the aforementioned Law). The Law also establishes the means and stages of appeal against judgements and the implementation of final rulings issued under the relevant provisions of administrative law. The rulings and decisions of administrative courts are binding on all, and failure to implement them is a crime punishable under the provisions of the Egyptian Penal Code (art. 123).

3. Civil and criminal law

Relations between individuals are regulated, within the framework of the Constitution, by objective and disinterested legal rules that apply to all persons without differentiating between men and women. In accordance with Law No. 46 of 1972, the independent judicial authority, through its civil and criminal divisions, rules on all relevant disputes or crimes specified by the law. The judicial authority performs its function by applying the law to disputes brought before it in the light of existing constitutional principles, the Codes of Civil and Criminal Procedure and the rules governing the stages of appeal against judgements. The Law permits the aggrieved to take civil action for compensation before the criminal courts in cases involving statutory offences.

It should be noted that none of the laws relating to the administration of justice and the capacity to take legal action make any distinction between men and women with regard to the right of recourse and litigation or to the procedures and guarantees stipulated in their regard.

IV. PROMOTION OF THE EXERCISE BY WOMEN OF ALL THEIR RIGHTS AND FUNDAMENTAL FREEDOMS

Recently, perceptible progress has been made and there have been important and positive developments in Egypt that have strengthened the means available for the promotion of the enjoyment by women of all their basic rights. There have been developments at the international and local levels and in the governmental and non-governmental sectors, as will be shown in detail hereunder.

1. Government action

Action by the government sector has naturally been closely linked with Egypt's national policy for the advancement of women in all spheres. Such action has primarily had the goal of raising women's awareness of all the basic rights and fundamental freedoms guaranteed to them by the Constitution and the law with a view to ensuring the full and effective exercise of those rights and freedoms. The natural approach to such action was through advocacy of the following policies:

(a) Enforcement of the laws relating to education at the compulsory and other levels so as to improve attendance rates and eliminate absenteeism by creating an appropriate link between educational institutions and the social milieu;

(b) Modification and development of curricula by introducing the study of instruments relating to all human rights and freedoms at all levels of education;

(c) A focus on the eradication of illiteracy among women, particularly in rural areas, linking literacy programmes with the given environment and using appropriate methods;

(d) Development of suitable programmes that use the tremendous potential of radio and television and are adapted to the target audience in order to promote awareness of the rights of women in all spheres;

(e) Encouragement of the non-governmental sector to play a part in mobilizing voluntary efforts in developing the capacities necessary to train skilled personnel;

(f) Encouragement of international cooperation at all levels and use of relevant international expertise and resources;

(g) Creation of appropriate mechanisms at the national level to monitor plans in this domain and ensure the necessary coordination between all the ministries and State institutions concerned;

(h) Establishment of research centres to facilitate the development of appropriate plans and programmes and channel resources in a scientific manner so that the desired goals can be achieved.

These major policy goals of government action have given rise to a number of effective mechanisms to support and monitor the advancement of women in securing the exercise of all their rights, namely:

(a) The National Council for Women, established in 1978 and reorganized and consolidated in 1994 as the national agency responsible for Egyptian women's issues at the international and local levels;

(b) The National Council for the Mother and Child, established in 1988 as the official agency responsible for child-related issues, including, of course, issues relating to women;

(c) The Ministry of Population and Family Affairs, established in 1993 to be responsible for such matters as family planning, mother and child health and health education;

(d) The National Institute for Adult Education, set up in 1991 to promote literacy among adults of all ages;

(e) Departments concerned with women's issues, established or strengthened at various times in the Ministries of Social Affairs, Health, Agriculture and Foreign Affairs and in the Central Statistical Organization, given expanded functions and encouraged to exchange international experts with counterpart agencies.

As a reflection of State policy with regard to women and as a result of the efforts of the aforesaid mechanisms, there was increased activity during the first half of 1994 in the domain of national action. A "National Dialogue" conference and a National Conference on Women were held and resulted in many important recommendations relating to women's issues. The relevant authorities are engaged in studying the recommendations and translating them into programmes of action, decisions or laws, in accordance with the legal requirements for each of them. (The recommendations will be discussed in detail in part two of this

report.) The World Assembly on Adult Education was held in Egypt in September 1994, and issues concerning women's education, particularly in rural areas, had a prominent place in the discussion and in the recommendations adopted.

In the same time-frame, the International Conference on Population and Development was held in Cairo. Many of the topics discussed there concerned women, and all the Egyptian governmental and non-governmental organizations concerned with women took part in the activities of the Conference and contributed to its final documents.

2. Action by non-governmental bodies

The Government's policy of encouraging the non-governmental sector has had a noticeable impact on action by this sector. There has been an increase in the number of registered associations working in fields relating to the advancement of women, particularly those of family planning, literacy, the development of household resources (associations for "productive families"), the advancement of rural women, child-care, the care of the elderly, mother and child healthcare and various services.

In 1994, the number of registered associations had reached 13,213.

3. International cooperation

Through its official participation in all the relevant regional and international conferences, Egypt has sought to make a serious and effective contribution to international cooperation relating to women in all fields. It was quick to associate itself with the call for the convening of a Summit on the Economic Advancement of Rural Women and, in February 1992, it participated in the elaboration and adoption of the Geneva Declaration for Rural Women. The aforementioned government bodies concerned with women's affairs reached agreement with international institutions and organizations and specialized agencies on numerous programmes and plans for projects in the fields of education, health, agriculture, childhood issues, family planning, training, social welfare, income generation and the advancement of rural women.

The Egyptian delegations to the international conferences on human rights (Vienna, 1993), population and development (Cairo, 1994) and social development (Copenhagen, 1995) took particular care that the respective final documents should include specific sections on the situation of women, the protection of women's rights, and the importance of the advancement of women.

Egypt accords great importance to the Fourth World Conference on Women to be held in Beijing in September 1995. The National Council for Women, chaired by the wife of the President of the Republic, is endeavouring to ensure that Egypt will make an effective contribution to the conference. It is doing so at the national level through information and consciousness-raising activities; at the regional level through Arab and African preparatory conferences; and at the international level by participating in the drafting of the final document of the Conference.

V. THE LEGAL STATUS OF THE PROVISIONS OF THE CONVENTION IN THE EGYPTIAN LEGAL SYSTEM

Because of the affinity of its provisions with those of the Egyptian Constitution, the Convention that is the subject of the present report, like the other international conventions on human rights and freedoms, has the benefit of two important features.

(a) Because the provisions of the Convention regarding non-discrimination between men and women accord with the stipulations made in this respect in articles 11 and 40 of the Egyptian Constitution, the principle of equality did not merely become one legal rule among others when the Convention became part of Egypt's domestic law but became a constitutional precept to which all Egyptian laws must conform, given that they occupy a lower rank than the Constitution. Where such a law violates the principle of equality, the Constitution is violated and the law can be overturned by the Supreme Constitutional Court.

(b) In accordance with article 151, paragraph 1, of the Constitution, the President of the Republic has the authority to conclude treaties and communicate them to the People's Assembly accompanied by an appropriate statement. After it is ratified and published in accordance with established procedures a treaty has the force of law. Thus with Egypt's ratification of the Convention relevant to this report and its publication in the Official Gazette, it became the law of the land and all the authorities are bound to implement it under the provisions of the Constitution. Since they took effect in Egypt as law on 18 October 1981, the provisions of the Convention in relation to the other laws in effect in the country are subject to the established legal rules governing conflict of laws in its chronological aspect. These are applied by the judiciary when disputes of this kind are brought before it, binding rulings are issued, and failure or refusal to comply with these rulings is an offence punishable by law.

It is clear from the foregoing that, in Egypt, the provisions of the Convention have the protection afforded to a fundamental constitutional principle with regard to any legislation that is enacted in contravention thereof. As the law of the land, it also benefits from the fact that all authorities are obliged to apply its provisions. Anyone who suffers as a result of failure to apply those provisions may therefore have recourse to the law in accordance with the nature of the contravention and the procedures established for asserting the rights to which they give rise.

PART TWO

SPECIFIC INFORMATION IN RELATION TO EACH PROVISION OF THE CONVENTION

This part of the report will provide a detailed commentary on the Convention, article by article, noting any references made in part one where appropriate to avoid repetition and referring also to relevant statistics.

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The 1971 Egyptian Constitution adduces the principle of equality and non-discrimination as basic to human rights and fundamental freedoms. Articles 8, 11 and 40 embody this principle in a clear and unequivocal manner. Article 8 provides that the State shall guarantee equality of opportunity to all citizens. Article 11 provides that the State shall enable a woman to reconcile her duties towards her family with her work in society and guarantee her equality with men in the spheres of political, social, cultural and economic life. Article 40 makes a general statement on the principle of equality to the effect that all citizens are equal before the law and stipulates that they are equal in respect of general rights and obligations without discrimination between them on grounds of gender, ethnic origin, language, religion or belief. Similarly, articles 64 and 65 of the Constitution stipulate that the rule of law shall be the basis of State authority, that the State shall be subject to the law, and that the independence and immunity of the judiciary are the basic guarantees that safeguard rights and freedoms. In its judicial practice, the Supreme Constitutional Court has considered that the principle of equality before the law, as set forth in successive Egyptian constitutions since that of 1923, including the present Constitution, is intended to protect the rights and freedoms of citizens against forms of discrimination that would prejudice or restrict their exercise. This principle is therefore a means of establishing the same legal protection for all rights and freedoms, whether those enshrined in the Constitution or those accorded by the laws enacted by the legislature. The cases set out in article 40 of the Constitution, prohibiting discrimination on the basis of sex, ethnic origin, language, religion or belief, are not exhaustive and are mentioned only because they are the most common circumstances in real life. The principle of equality thus applies to all forms of discrimination and to all rights and freedoms, whether established by the Constitution or by statute (ruling of 16 May 1992 in case No. 6/13 Q).

From these lofty constitutional principles, it is clear that the Egyptian legal system accords high priority to requiring all State authorities to guarantee women's equality with men in respect of all rights and duties and all

other areas of life, without restrictions and irrespective of their marital status. This is over and above the State's guarantee that women will be able to reconcile their domestic duties with their work in society while ensuring compliance with Islamic law in this regard out of respect for the requirements of religious freedom. In Egypt, family matters belong to the sphere of personal status and they and disputes in their regard are subject to the internal laws of the religious community to which family members belong. The Egyptian Constitution thus accords with article 1 of the Convention, defining discrimination against women, with the provisions of article 4 (2), concerning the protection of maternity, and with article 5 (b), concerning family education.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Reference has already been made, in the observations on article 1 of the Convention, to the provisions of the Constitution that relate to the obligation of the State to guarantee the equality of men and women in all fields. The Supreme Constitutional Court, which monitors the constitutionality of laws, provides these constitutional precepts with judicial protection against infraction by any legislation that may be enacted.

In part one, chapter II, section 10, of this report, references are given to the provisions of the Criminal Code that punish cases of violence against women.

Reference is also made in part one, chapter I, to the fact that State policy with regard to women is based on promoting progress by women in the exercise of all their rights.

All Egyptian laws must comply with the previously mentioned constitutional principles requiring that legal precepts should apply to everyone without discriminating between men and women and that certain cases of discrimination should be categorized as crimes, as mentioned in part one, chapter II, of this report.

The laws relating to litigation guarantee the right of women and men to have recourse to the law on an equal footing, without formal or procedural restrictions and without any restrictions based on marital status. They give women the right to have recourse to the law in the event of any contravention of or departure from the relevant constitutional precepts, and women may seek constitutional redress to annul a statute that violates the principle, established by the Constitution, of their equality with men. Women may also seek redress and compensation under criminal law in the case where the violation of their rights and freedoms constitutes a criminal offence. In cases involving compensation, personal status or family matters, women may seek redress under civil law; and in those involving the annulment of or compensation for an administrative decision, they may approach the administrative courts.

In the judgements they issue, the members of the judiciary, in all categories and at all levels, are obliged to apply the laws in effect in the country. These include the Convention relevant to this report, since, as previously stated, it is regarded as being such a law. The judiciary is independent and enjoys certain immunities, and intervention in its affairs is forbidden. Its judgements may be enforced by power of compulsion under the legally established circumstances and conditions, and failure to comply with them is regarded as a crime (arts. 72, 115 and 178 of the Constitution).

Pursuant to the recommendations made by the National Conference on Women and the General Conference for National Dialogue, the relevant authorities are currently considering the following matters:

1. Simplification of litigation procedures in personal status cases with a view to their speedy settlement;

2. Preparation of a new draft law on mothers and children to ensure that certain practices that are widespread in less educated communities are made criminal offences and to revise legislation concerning women;

3. Consideration of solutions to the problem of the nationality of a child born of an Egyptian mother and a foreign father.

The National Council for Women, the national mechanism responsible for the advancement of women in all fields, has established a committee to study legislation relating to women, to propose appropriate alternatives and to work for the removal of any infringements of the constitutional principles that have been established in this respect. The relevant department of the National Council for the Mother and Child, which reports to the Council of Ministers, also has this responsibility. In the same context, on 20 December 1994 the Minister of Education issued a decree (No. 353) to the effect that the children of Egyptian mothers returning to the country after being divorced or widowed and who were unable to pay should be treated in the same way as Egyptian students. They would thus be exempted from the payment of the fees established for State schools, and fees would be halved in other cases.

All penal laws (the Penal Code and the special laws that designate certain acts as criminal offences) specify criminal acts and their chief elements and the stipulated punishment. The judge nevertheless has the right, following a conviction, to impose an appropriate penalty that falls between the legally established maximum and minimum. The Code of Criminal Procedure also provides guarantees for all stages of indictment, trial and appeal in accordance with each type of crime and the legally established conditions. In none of the foregoing provisions is any reference made to a distinction or differentiation to be made between men and women

The Code of Criminal Procedure does, however, single out women in its provisions relating to penalties in the case where a woman is pregnant. The Prisons Law contains the same provisions, and sentences at hard labour for women are served in prisons and not in the penal colonies where men are required to serve this punishment.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The continued advancement of women and their exercise of all human rights and fundamental freedoms on an equal footing with men depends, as a matter of course, on the existence of mechanisms that promote such development, are conscious of its requirements and parameters and are capable of implementing and following up programmes and of dealing with problems.

In accordance with established constitutional principles and pursuant to existing national policies with regard to the advancement of women in all fields, the Egyptian State has established a number of institutions and agencies concerned with women's issues, as described hereunder.

1. The Women's Department of the Ministry of Social Affairs was established in 1977 pursuant to the recommendations of the World Conference of the International Women's Year, held in Mexico City in 1975. The Department develops the policies and programmes necessary for the advancement of urban and rural women, monitors reports of women's activities in the local news, gathers information on issues relating to women and their advancement in all fields, promotes positive and essential changes in prevailing attitudes and engages in international cooperation in that regard, and studies the recommendations of international and regional conferences on women. The Department has undertaken a number of local projects in pursuit of its goals, including a project on rural girl scouts and women's clubs and projects for the advancement of rural women that provide them with income-generating skills and train them in small-scale production. The Department has also established a documentation centre for women's issues.

2. The Ministry of Health has established a Department for Mother and Child Care. Among its concerns are the promotion of women's health, health education and the provision of the medical services necessary for women during pregnancy, delivery and while breastfeeding.

3. In cooperation with international organizations and agencies, the Ministry of Agriculture has set up a policy and coordination unit for women's agricultural activities. Its activities include the dissemination of agricultural information, the improvement of livestock, the provision of loans and the promotion of child-nutrition programmes with a view to raising health standards in rural communities.

4. In 1978, the National Council for Women was established as a national planning and coordination mechanism. It brings together representatives of all relevant ministries, agencies and non-governmental women's organizations and is responsible for monitoring the implementation of national programmes and plans for the advancement of women, proposing measures to promote the participation of women in all aspects of life and elaborating and following up the necessary programmes.

Pursuant to a February 1994 decision of the Prime Minister, the Council was reorganized in order to consolidate and expand its work and affirm its national role.

5. In 1987, the Central Agency for Public Mobilization and Statistics established a division for research on women and children to conduct studies on the relevant issues.

6. In 1988, with a view to achieving the more effective complementarity of the ministries concerned with mothers and children, the National Council for the Mother and Child was established under the chairmanship of the Prime Minister and with members drawn from the relevant ministries. Its functions include the

review of legislation relating to women and children and the formulation of the necessary plans for the advancement of children and women, with particular emphasis on rural women.

7. In 1992 the Ministry of Foreign Affairs established a Department of Human Rights and International Social and Humanitarian Affairs whose jurisdiction includes activities relating to women and women's rights at the international level, the United Nations and its treaty bodies and specialized agencies, and social issues relating to the family and to mothers and children.

8. The Ministry of Population and the Family was established in 1993. Its functions as they relate to the advancement of women include family-planning projects, mother and child health, public awareness campaigns and health education.

9. The non-governmental sector has made gains as a result of the State policy of encouraging the numerous organizations working in different fields of relevance to women's issues. There are now more than 330 such organizations, of which 42 are mainly active in the governorates of Cairo and Alexandria. Organizations involved in social work in the broadest sense of the term, of which there were 13,213 in 1994, also engage in numerous activities that are of interest to women. All of the mechanisms mentioned thus far have had notable successes in their fields of activity since they were established, and these will be cited in the commentary on the relevant articles of the Convention.

10. The success achieved by those working for the advancement of women culminated in June 1994 with the convening by the reorganized National Council for Women, with Mrs. Suzanne Mubarak, wife of the President of the Republic, as its President, of the First National Conference on Women in Egypt. All official and non-governmental organizations concerned with women at the national or regional levels took part in the Conference, and it adopted the first Declaration on Women in Egypt. The Declaration contains many recommendations that are currently being studied by the relevant State bodies prior to the preparation of the plans and programmes necessary for their implementation.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

I. Temporary special measures

The convening of the World Conference of the International Women's Year in Mexico City in 1975 and Egypt's participation in its work were a major influence in prompting Egypt to take a number of measures to promote the advancement of women. These included certain special measures of a temporary nature, namely:

1. The enactment of Law No. 21 of 1979, allocating 30 seats in the People's Assembly to women rather than allowing women to compete for all the seats;

2. The enactment of Law No. 43 of 1979, allocating to women between 10 per cent and 20 per cent of seats in people's councils, and in town, neighbourhood and village councils.

These measures were repealed by Law No. 188 of 1986 in the case of the People's Assembly, and by Law No. 145 of 1988 in the case of the local councils. This was done in order to enable women to compete for all seats instead of being assigned a particular percentage, since the latter practice might have the effect of restricting the role of women and depriving them of the experience of entering a serious and realistic contest that reflects the genuine opinion of all voters. Despite the changes and the disparate number of women in the legislative council as a result of the abolition of assigned seats, and despite the effects of recent changes in the electoral system from direct elections to proportional representation and then back to direct elections, women did achieve real success in the general elections held in 1990, winning 10 seats. In the same year women secured 12 seats in the Advisory Council, some of which were State appointments. Women also won 437 seats in provincial, district and village councils.

II. Measures aimed at protecting maternity

In Egypt there are numerous laws and government regulations concerning measures aimed at recognizing and protecting women as mothers, the most salient of which are described hereunder.

1. State recognition for mothers

The standing Committee for the Observance of Mother's Day was established in 1969 to select exemplary mothers at the governorate and national levels and award valuable prizes to the winners. The State also sponsors an annual official observance of the Day and presents awards.

2. Motherhood and the labour laws

In conformity with the principles enunciated in articles 10 and 11 of the Constitution, namely that the State shall guarantee the protection of motherhood and that women shall be enabled to reconcile their duties to their families with their work responsibilities, the laws governing employment in both public and private sectors provide certain rights for women, as set forth hereunder.

(a) In the Government and public sectors (Laws Nos. 47 and 48 of 1978):

The right to three months' maternity leave on full pay on three occasions during the period of service, such leave to be regarded as separate from normal annual leave;

The right, while in service, to take three periods of leave on half pay or without pay for the purpose of childcare or in order to accompany a spouse abroad.

(b) In the private sector (Law No. 137 of 1981):

The right to maternity leave on full pay for a period of 50 days on three occasions during the period of employment but without sick leave on grounds of pregnancy or childbirth;

The right to two rest breaks a day for breastfeeding for one and a half years after childbirth;

In establishments employing more than 50 persons, the right to take leave without pay for a period of not more than one year for the purpose of childcare on three occasions during the period of employment;

The requirement for owners of establishments employing more than 100 women to establish or participate in a day-care centre.

3. Laws relating to criminal proceedings and prisons:

(a) The possibility of postponing the imposition of penalties involving imprisonment until two months after childbirth; and, in the case where pregnancy becomes evident during a period of imprisonment, the treatment of the prisoner as if she was in protective custody (art. 485, Criminal Proceedings);

(b) The possibility of postponing the imposition of a penalty involving imprisonment on the wife in the case where both spouses are sentenced and they have a young child (art. 488, Criminal Proceedings);

(c) The requirement that a pregnant prisoner should be treated well, particularly with respect to nutrition, work and sleep, and that the necessary health care should be provided to ensure that this is done (art. 19 of the Prisons Law);

(d) The right of a female prisoner to keep her child with her until it reaches the age of two (art. 20 of the Prisons Law).

4. Laws concerning insurance and pensions (Law No. 79 of 1975)

The Law gives a widow the right to the pension of her deceased husband or to an allowance from her former husband in the case where she has been divorced without her consent. In the latter case, the marriage shall be considered as continuing to exist for a certain period of time, provided that she does not remarry, and the allowance is restored should she be divorced again.

5. Health care

As soon as she becomes pregnant, a woman is entitled to benefit from the comprehensive health care provided by the Ministry of Health network of health centres and offices and by the non-governmental organizations scattered throughout the country. The required inoculations are provided to pregnant women and to children, as are the requisite health care, health education and family-planning services, throughout the period of pregnancy and nursing. In 1990, such services were provided to approximately 98 per cent of the population. The Egyptian Government has made important gains in this field by means of health promotion plans and programmes, and has participated in media information campaigns. Major indicators of the gains made, as given in the 1993 report on the National Population Strategy, are as follows:

(a) A drop in the fertility rate from 5.28 per cent in 1980 to 3.93 per cent in 1992, and an increase in the percentage of women using contraception from 24.2 in 1980 to 47.1 in 1992;

(b) A rise in life expectancy at birth for mothers from 52 in 1981 to 66 in 1993;

(c) A rise in the percentage of expectant mothers who had been immunized to 57 per cent in 1993, a five-fold increase over the 1988 level;

(d) A rise in the percentage of children immunized from 68 in 1985 to 89 in 1992;

(e) A decrease in maternal mortality from 320 per 100,000 in 1986 to 260 per 100,000 in 1991 and 184 per 100,000 in 1992/3;

(f) A drop in the percentage of expectant mothers suffering from anaemia from 20 in 1986 to 16 in 1991.

The "National Dialogue" conference, held in March 1994, and the First National Conference on Women, held in June 1994, made a number of recommendations in this regard, and the relevant national authorities are studying these closely and seeking ways and means of implementing them.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Government policy on customs and practices constituting social and cultural patterns that hinder the advancement of women and the strengthening of their role in society takes two main approaches:

(a) Education and public-awareness activities;

(b) Rural development.

The State's efforts in this field have achieved notable success. According to the report on the National Population Strategy for 1993, by 1992 female illiteracy had declined from 62 per cent in 1986 to 57.41 per cent; female enrolment in elementary education had risen to 91.41 per cent; and the figures for females as a percentage of all those enrolled had risen to 45.2 per cent at the elementary level, 43.5 per cent at the preparatory level and 44.9 per cent at the secondary level. The electronic media, in parallel with the educational system, play an important role with their public-awareness programmes on harmful practices and fallacies with regard to women or the family and on health and the environment. These programmes are directed mainly at rural areas where illiteracy is prevalent and are presented in a simplified manner appropriate to their audience in order to convey the necessary message.

These plans have also had tangible results in the field of family planning, in promoting health education and in increasing the number of women and children immunized. Similarly, the efforts made by non-governmental organizations have been successful in encouraging income-generating activities, modifying patterns of consumption as they relate to nutrition and providing health care. All in all, such efforts have brought about considerable progress towards eliminating many harmful customs and practices, particularly in the fields of health care and family planning, and there has also been tangible progress with regard to everyday practices relating to child raising, child nutrition, the use of leisure by the members of the household and the development of a spirit of voluntarism through programmes serving the community.

Efforts to increase public awareness through media campaigns have also achieved notable success in lowering school drop-out rates, reducing population-growth rates and restricting female circumcision, a practice that continues, albeit on a decreasing scale, in some remote areas.

Among the issues to which the State is currently paying special attention with a view to remedial action are the negative attitude of women towards engaging in political activity, the employment of rural women in the household or in temporary seasonal work and the marriage of under-age girls. The first National Conference on Women studied these questions and put forward ideas for proposed solutions that the State is considering with a view to taking appropriate measures for their implementation.

In the context of the efforts made in this regard, the Ministry of Education has modified school curricula to include in them coverage of all the human-rights instruments and rid them of any flaws caused by partiality, prejudice or the stereotyping of roles on the basis of gender and in order to ensure that family education includes a proper understanding of the roles of men and women in the family and of motherhood. With respect to violence against women in the home, in the workplace or in any other area of life, the Egyptian Penal Code ensures that women are fully protected against all forms of violence, whether assaults on the person or on honour, and against anyone who violates their modesty, even in private. The Penal Code also provides severe penalties in cases where the victim is a minor or where the offender is an ascendant or guardian of the victim or works in her home. Reference is made to the relevant article in part one, chapter II, section 10, of this report.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

In 1932 Egypt acceded to the International Agreement for the Suppression of the White Slave Traffic (Paris, 1904) and the International Convention for the Suppression of the White Slave Traffic and its Final Protocol (Paris, 1910), and in 1949 it acceded to the Protocol amending those instruments and they were published in the Official Gazette. Implementation was effected with the promulgation of the law on prostitution of 24 June 1933 and Law No. 68 of 1951 for the suppression of prostitution, which prescribed the penalties for acts deemed to be illegal by virtue of the aforementioned instruments.

By Decree No. 884 of 1959, which entered into force on 10 September 1959, Egypt acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Lake Success, New York, 1950), which superseded the aforementioned instruments. This was followed by Law No. 10 of 1961 for the suppression of prostitution, incorporating all acts deemed to be offences under the Convention and stipulating the appropriate penalties. It is this Law that is in effect at the present time, and its provisions include the following:

1. It is an offence to incite, abet, assist, procure, entice or seduce another person for purposes of prostitution, subject to a penalty of three years' imprisonment and a fine of 100 to 300 Egyptian pounds. The penalty is increased if the victim of the crime is under 21 years of age or has been enticed or induced to engage in prostitution through the use of deception, force, abuse of authority or any means of coercion, or by involuntary detention in a brothel (arts. 1 and 2).

2. It is an offence to induce, assist, or procure a female, of whatever age, to leave or enter a country for purposes of prostitution, to escort her in doing so or to make arrangements for her to do so, subject to a penalty of five to six years' imprisonment and a fine of 100 to 500 Egyptian pounds. The penalty is increased, with a maximum sentence of seven years' imprisonment, if the crime

involves the travel of more than one person or the use of force or deception (arts. 3 and 5).

3. More severe penalties are applied where the victim of the aforementioned crimes is under 16 years of age or where the offender is the victim's ascendant, guardian or supervisor or works in the victim's home. The minimum prison sentence is three years, and the maximum is seven (art. 4).

4. It is an offence to assist a female to engage in prostitution, even as a financial venture, subject to a penalty of six months' to three years' imprisonment, with a higher penalty of one year to five years in prison when the victim is under 16 years of age or the offender is her ascendant or guardian or works in her home (art. 6).

5. The penalties for attempting the aforementioned crimes are the same as those for the crimes themselves (art. 7).

6. It is an offence to keep, manage or assist in the running of a brothel, subject to a penalty of one to three years' imprisonment, a fine of 100 to 300 Egyptian pounds, the compulsory closure of the establishment and the seizure of all effects and furnishings.

7. It is an offence to let or make available in any way a building or other place to be used for prostitution or to own or manage a furnished dwelling or establishment open to the public that facilitates prostitution and the habitual practice of prostitution, subject to a penalty of 13 months' to three years' imprisonment and closure of the establishment (art. 9).

8. It is an offence knowingly to work in an establishment run for purposes of prostitution, subject to a maximum penalty of one year's imprisonment (art. 13).

9. It is an offence to publish, in any way, an announcement containing an inducement to prostitution or to attract attention thereto, subject to a maximum penalty of three years' imprisonment and a fine of 100 Egyptian pounds (art. 14).

10. A person found guilty of such a crime must be placed under police supervision for a period of time equal to the original penalty (art. 10).

11. The Law permits women who have been found guilty of habitual prostitution to be placed in a special rehabilitation centre on completion of their sentences for a period not exceeding three years (art. 9). This is compulsory in the event of recidivism. All of the acts that the Convention criminalizes have thus been made illegal by this Law.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

The Egyptian Constitution makes provision for the three rights stipulated in this article and they are regulated by relevant laws, as set forth hereunder.

I. Voting and eligibility for election

Article 62 of the 1971 Egyptian Constitution stipulates that citizens have the right to vote, to stand for election and to express their opinions in referendums, in accordance with the provisions of the law, and it states that participation in public life is a national duty. The legislation relating to this constitutional principle is described below.

1. Law No. 73 of 1956 accords the right to vote to all Egyptian citizens, male and female, over 18 years of age, so that they may express their opinion in referendums, in electing the President of the Republic and in voting for members of the People's Assembly, the Advisory Council and local councils. Article 4 of the Law was amended by Law No. 41 of 1979 to make it mandatory for both male and female citizens to register to vote on reaching the age stipulated, the registration of women previously having been optional. Penalties are imposed on those who fail to vote without good reason or who deliberately do not register (arts. 1, 4, 39 and 40).

2. Law No. 40 of 1977, regulating political parties makes it an offence to impose conditions for membership that discriminate on the basis of creed, racial origin, gender or social status (art. 5 (4)).

3. In keeping with the principle of equality, Law No. 38 of 1972, concerning the People's Assembly, establishes no conditions that would prevent women from standing for election to the Assembly and states only that a candidate must be on the electoral roll, as is required of all male and female Egyptian citizens over 18 (art. 5).

4. Law No. 120 of 1980, concerning the Advisory Council, also contains no provisions that would prevent women from standing for election to the Council and imposes only those conditions that apply to membership of the People's Assembly (art. 6).

5. Law No. 43 of 1979, on the system of local government, applies the same principles to local council elections at all levels (art. 75). When it was first enacted, it established that between 10 per cent and 20 per cent of council seats at various levels should be allocated to women.

Here, the legislature adopted a series of measures aimed at strengthening and promoting women's participation in public life, with Law No. 21 of 1979 allocating 30 seats in legislative council constituencies to women. On the grounds that the allocation of seats effectively circumscribed the role of women, these measures were repealed. Law No. 188 of 1986, on the People's Assembly, and Law No. 145 of 1988, on local councils, then offered women the opportunity to compete for all seats.

Women succeeded in winning a number of seats in the general elections following the repeal of the relevant law, although clearly there was still a marked discrepancy between the number of seats held by men and those held by women. Women currently hold 10 seats in the People's Assembly, 12 seats in the Advisory Council and 437 seats in local councils. A woman currently presides over the Legislative Committee of the People's Assembly, and Egyptian women play a prominent role in the work of the Inter-Parliamentary Union and have presided over a number of its committees and conferences. There have also been women members of all Egyptian parliamentary delegations, whether on official visits or to international conferences.

II. Public office and public functions

In conformity with the general principle established in article 40 of the Constitution, article 14 thereof accords all citizens, male and female and without discrimination or prejudice, the right to public employment. The legislation relating to State employees and public-sector workers contains nothing that violates the constitutional principle of equality between men and women, and it may rather be seen as according certain advantages to women out of regard for their role as mothers and providers of childcare without thereby prejudicing their employment status. Women have made considerable progress in gaining access to government employment, and the percentage of women in government posts rose from 14.4 in 1980 to 30 in 1992. The percentage of senior positions held by women in government also rose, from 5.7 in 1980 to 11 in 1992, as a direct result of the success of programmes for female education and literacy and because women are now obtaining more advanced academic degrees. The steady increase in the numbers of women working in government testifies to the commitment of State agencies to the constitutional principle of equality.

III. The non-governmental sector

Article 55 of the Constitution states that citizens, whether men or women, shall have the right to establish associations in the manner laid down by law. Law No. 32 of 1964, concerning private associations and institutions, and the previous Law No. 384 of 1956 contain nothing in the way of restrictions that would prevent women from establishing private associations or institutions in any sphere of activity or restrictions that relate to the marital status of women seeking to do so.

The State's policy has been to encourage women to establish private associations that provide services to women and their families and seek to promote their social, cultural and economic advancement and their health, facilitate their integration in society and enhance their role in and their contribution to the community. Through the Ministry of Social Affairs the State

has helped to support the services offered by the non-governmental sector, and its efforts have helped to promote the establishment of the following facilities:

(a) Nurseries and child day-care centres for working mothers and others;

(b) Centres to train young women in needlework;

(c) Vocational training centres for handicrafts;

(d) Rehabilitation centres for young women suffering from physical and mental disabilities;

(e) Women's clubs for development training;

(f) Offices offering advisory services;

(g) Family-planning centres;

(h) Service centres for working women (meals, clothing and cleaning).

As of 1994, there were some 330 associations working in the field of women's services and a further 13,213 offering social services in the wider sense of the term. These associations are active in all fields and work in cooperation with the Government and the relevant international organizations.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Women began to be recruited to the Egyptian diplomatic service in the 1960s, and they have occupied progressively higher positions up to that of ambassador. In 1995, there were 121 women diplomats at all levels, representing 13.7 per cent of all those employed in the service.[2]

Women have achieved notable success in this field at the international and regional (inter-Arab and inter-African) levels, have repeatedly represented Egypt in a skilful manner at all kinds of international meetings and have frequently been elected as members or chairpersons of committees of international organizations and their subsidiary bodies.

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[2] According to the most recent figures (April 1995), there were some 48 female attachés and 9 women diplomats, representing 19 per cent of those working in this field.

Women head diplomatic missions in six Egyptian embassies, and Egypt participated in the conferences on women held in Mexico City in 1975, in Copenhagen in 1980 and in Nairobi in 1985. The wife of the President of the Republic represented Egypt at the adoption of the Geneva Declaration for Rural Women in February 1992. Egypt also sees to it that women are included in all its delegations to international meetings and conferences.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 5 of the Constitution states that Egyptian nationality shall be regulated by law. The Nationality Law, Law No. 26 of 1975, is in conformity with all the provisions of the relevant international instruments in this regard, and it seeks to reduce instances of statelessness and avoid cases of dual nationality in order to mitigate the effects of conflicts of laws at the international level. The approach taken by the Egyptian legislature has been to systematize the rules governing Egyptian nationality by combining the principles of nationality by parentage and those of nationality by place of birth (jus sanguinis and jus soli).

The provisions of Law No. 26 of 1975 abide by the principle of full equality between men and women in all matters relating to the bestowal, revocation and forfeiture of nationality, and they regulate the effects of marriage on the nationality of either spouse and of their children. The provisions of the Law are reviewed in detail hereunder.

1. An Egyptian national is whoever is born to an Egyptian father or whoever is born in Egypt to an Egyptian mother and whose father is of unknown nationality or is stateless, or whose paternity is not legally determined, or to parents of unknown nationality. A foundling in Egypt is deemed to have been born there failing proof to the contrary (art. 2).

2. The acquisition by a foreign man of Egyptian nationality does not entail its acquisition by his wife unless she declares her desire for such and the marriage is not dissolved within two years of that declaration other than by the death of the husband. Minors do not acquire Egyptian nationality if their habitual place of residence is outside Egypt, but they retain the right to the original nationality of their parents. If minors acquire Egyptian nationality, they shall be required, upon their majority, to choose which nationality they shall retain (art. 6). A woman does not lose her Egyptian nationality as a

result of the dissolution of her marriage unless she regains her original nationality, or marries a foreigner and acquires his nationality (art. 8).

3. A foreign woman who marries an Egyptian man does not acquire Egyptian nationality unless she expressly declares her desire to do so and her marriage does not end before two years have elapsed since her declaration, other than through the death of her husband (art. 7). Equally, she does not lose her Egyptian nationality as a result of the dissolution of her marriage unless she regains her original nationality, or marries a foreigner and acquires his nationality (art. 8).

4. An Egyptian man who marries a foreign woman and acquires her nationality loses his Egyptian nationality, but may retain his Egyptian nationality for himself, his wife and his minor children by expressing his desire to do so. Equally, an Egyptian woman whose husband has lost his Egyptian nationality does not lose her Egyptian nationality unless she expresses her desire to acquire the new nationality of her husband. She enjoys the same right as her husband to retain her Egyptian nationality, while minors lose their Egyptian nationality should their parents legally acquire a new nationality, and can opt for Egyptian nationality when they reach their majority (arts. 10 and 11).

5. An Egyptian woman who marries a foreign man retains her nationality unless she declares her desire to acquire the nationality of her husband and has the legal right to do so. If the marriage is not valid according to Egyptian law, but is valid according to the law of the husband's country, she remains an Egyptian national (art. 12).

6. An Egyptian woman whose Egyptian nationality is revoked or forfeited as a result of marriage can always regain her Egyptian nationality if her marriage is dissolved (art. 13).

7. The revocation or forfeiture of nationality in legally sanctioned circumstances will have no effect on any other person but the individual involved (art. 17).

8. Any decisions relating to nationality must appear in the Official Gazette, and the rules and regulations governing nationality must be published, so that they can be contested by all, without prejudice to the rights of others (art. 22).

The above information demonstrates that Egyptian law conforms to the provisions of article 9 (1) of the Convention (on equal rights with regard to nationality), in that a woman does not have to change her nationality unless she declares her desire to do so, and that she will not have a nationality forced upon her by virtue of marriage to, or naturalization of, her husband. The law also guarantees that she will not be rendered stateless, or forced to accept another nationality, and that she has the right to revert to her Egyptian nationality should her marriage be dissolved. This conforms to the broad goals and objectives of the Convention.

As for the nationality of minors, Egyptian law adopts an approach based on a combination of nationality by parentage and nationality by place of birth, as

they apply in international and comparative law. Thus, children acquire the nationality of the father, but can choose to revert to their original nationality upon reaching their majority, if the father, being a foreigner, acquires Egyptian nationality, or, being an Egyptian national, forfeits his nationality by virtue of acquiring a foreign nationality. According to the principle of nationality by birthplace, a minor acquires Egyptian nationality if he or she is born in Egypt to an Egyptian mother and a father of unknown nationality, or a stateless father, or to parents of unknown nationality, or if he or she is a foundling. The law adopts the approach of seeking to avoid legal disputes arising from dual-nationality status and any adverse effects on the interests of a minor. This in no way jeopardizes the principle of equality, but simply requires that such matters be regulated and resolved at the international level through bilateral agreements. Thus, the law stipulates that any international treaties and conventions on nationality which Egypt enters into with foreign States are legally enforceable, even if their provisions conflict with Egyptian law. This ensures some degree of stability in the situation that pertains subsequent to the conclusion of such treaties. Egypt has made a reservation with respect to article 9 (2) for the legal reasons mentioned above.

One of the recommendations made at the first National Conference on Women was aimed at "easing the material burdens placed on the children of an Egyptian mother and foreign father, until a solution has been found to the problem of their losing Egyptian nationality." The relevant authorities are now seeking legal means of solving this problem.

With regard to travel documents for women and minors, article 7 of Law No. 97 of 1959, which deals with passports, stipulates that Egyptian nationals, irrespective of gender, have the right to apply for a passport. Children can have their names added to either the mother's or father's passport, or can have their own passport, providing they have obtained the consent of their legal guardians.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomats in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Since the first part of the last century, the education of women has been considered an important matter in Egypt, and given earnest consideration. As a result, when Muhammad Ali was in office, the schools administration committee recommended that education for girls should be introduced in Egypt. At that time, it was limited to the establishment in 1832 of a school to train midwives. A movement led by scholars had further success with the establishment, beginning in 1873, of special schools for girls. This enlightened movement also prompted the stipulation in successive Egyptian constitutions since 1923 that primary education was compulsory for boys and girls.

In 1924, the first secondary school for girls was opened, and by the end of that decade, the State was encouraging the education of women at university level.

This was followed by efforts to promote girls' education and extend it to rural areas, and to deal with the capacity problems resulting from compulsory education, drop-out rates and the eradication of adult illiteracy.

The 1971 Constitution defines the State's responsibility for education. It states that education was a right, guaranteed by the State, and compulsory at the primary level. The State has an obligation to work towards extending the compulsory period to other levels (art. 18 of the Constitution). Education in State educational institutions is free at all levels (art. 20). Article 21 states that the eradication of illiteracy is a national duty, for which all the resources of the people should be harnessed. Law No. 139 of 1981 on education gave these goals official status, making education compulsory for all Egyptian children over six years old, boys and girls. The compulsory period was extended to nine academic years. The Law provided penalties for guardians and parents who failed to observe this obligation towards their children (art. 19 of the

aforementioned Law). The Law did not discriminate in any way against females, in regard to either level or type of education, or the curriculum followed, which should be the same for girls and boys. In fact, State efforts to put in place the necessary development plans in order to face one of the most important challenges, namely, the education of women, are close to realizing complete capacity for all children, boys and girls, of compulsory-education age. The plans also deal with school drop-outs and the eradication of female illiteracy, whether the latter is a result of dropping out of school or of falling through the net of compulsory education owing to age. The relevant plans and programmes in the field of women's education have led to noticeable advances in women's access to education, to an increase in their level of education, and to progress in the fight against dropping out of school and the eradication of illiteracy. Similar advances have been made in women's participation in the educational process itself, and in curricula and activities, as the following will show:

I. Percentage of females among those enrolled at all educational levels[3]

Educational level and comparison between academic years.

1. Pre-university education

Level	Percentage of females 1988/89	1992/93
(a) Primary	44.5	45.2
(b) Preparatory	42.5	44.7
(c) Secondary (general)	40.6	45.2
(d) Secondary (industrial)	17.9	28.7
(e) Secondary (agricultural)	19.9	23.7
(f) Secondary (commercial)	68	68.4

2. University education

Law No. 49 of 1972 regulated university education on a basis of equality of men and women. Women made advances in university education as follows:

(a) The proportion of women studying at university increased from 34.5 per cent in 1982/83 to 38.6 per cent in 1992/93.

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[3] Paper presented by the National Council for the Mother and Child to the first National Conference on Women (Cairo, June 1994).

(b) The percentage of women studying in institutions of higher education increased as follows:

Institution	Percentage of females 1983/84	1992/93
Technical/commercial	38.2	45.4
Technical/industrial	5.7	28.5
Technical colleges (fine arts)	43.4	51.2
Music colleges	52.4	58.9
Technical colleges	59.6	71
Specialized colleges	74.6	(in 1990)

3. Post-graduate education

Women have had numerous successes in this field too. The proportion of women obtaining a doctorate was 7.5 per cent, compared with 24.1 per cent of men. In 1990, 5.7 per cent of women obtained a master's degree, as against 18.7 per cent of men;[4] this was out of the total number of scientists, researchers and technologists working in scientific and technological fields (higher education for production - general services).

II. Drop-out rates and the eradication of illiteracy

The President of the Republic issued a decree that the 1990s should be considered the Decade for the Eradication of Illiteracy. As a consequence, Law No. 18 of 1991 was promulgated; it concerns adult education and the eradication of illiteracy, and declares these objectives to be a national duty and responsibility, binding upon all State institutions. Article 2 of this Law defines the goal of educating the illiterate up to the first elementary level of basic education.

The drop-out rate for compulsory education (at primary level) in 1992 was [illegible]1 per cent, and 20.49 per cent among girls. Recently, the incidence of girls' dropping out and repeating academic years has decreased significantly, particularly in urban areas. Furthermore, success rates at all educational levels have increased. State plans to reduce drop-out rates are based on linking the educational process with the environment, improving educational methods and developing curricula, making them directly relevant to the community.

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[4] Paper presented by the National Council for the Mother and Child to the first National Conference on Women (Cairo, June 1994).

The eradication of female illiteracy is considered one of the most important national challenges Egypt faces as a developing country. Nevertheless, significant progress has been made through local efforts and in cooperation with international organizations. Female illiteracy has been reduced from 84 per cent in 1960 to 57.41 per cent in 1992. In 1978, in collaboration with UNESCO, Egypt established an adult education centre, with the goal of eradicating illiteracy amongst housewives of child-bearing age, and training them for income-generating work. In 1991, the Organization for the Eradication of Illiteracy was established, with the aim of compulsorily eradicating illiteracy amongst the 15-35 age group.

Community schools have been set up in cooperation with UNICEF in rural Upper Egypt, with a view to the eradication of female illiteracy. Currently, through the relevant ministries, a scheme is being established whereby female graduates undertake to give one year's public service for the eradication of illiteracy amongst working people, based in education departments in the workplace.

III. Percentage of women in educational positions

1. Because of women's interest in this area, the percentage of women in educational positions increased from 48.8 per cent in 1981 to 51.6 per cent in 1992, as follows:[5]

	Level or type	Percentage of women in educational positions
(a)	Elementary	51.76
(b)	Preparatory	44.04
(c)	Secondary	35.70
(d)	Industrial	25.09
(e)	Agricultural	23.38
(f)	Commercial	45.50
(g)	Teacher training	49.01

2. In 1993/94, the proportion of women in teaching positions at universities surpassed that of men by 35.68 per cent.

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[5] Paper presented by the National Council for the Mother and Child to the first National Conference on Women (Cairo, June 1994).

IV. Curricula and activities

Physical education and various scientific subjects have been introduced as core subjects at all levels of girls' education. The National Council for Women has demanded that the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child should be included in the materials studied from the first level of education.

The Ministry of Education is currently carrying out a detailed review of educational curricula with a view to teaching about all the human-rights conventions at all educational levels, in order to raise awareness of those rights and ensure that they are practised, and in order to counter any ideas, claims or practices which are in conflict with them.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

I. Women and the right to work under the Egyptian Constitution

Articles 8, 10, 11, 13, 14 and 17 of the Egyptian Constitution stipulate that work is a right, a duty and an honour guaranteed by the State. It cannot be imposed except by law and for the purpose of performing public service, and deserves equitable remuneration. The State is obliged to provide opportunities for citizens, and to ensure that public appointments are open to all. The State must enable women to combine family obligations with work responsibilities, and ensure women's equality with men in all fields. It must also provide health insurance and social services, and invalidity, unemployment and retirement benefits to all citizens, in accordance with the law. The State must similarly protect motherhood and the child. Concrete expression is thereby given to the principles of the right to work and the right to free choice of employment, and it is guaranteed that work cannot be imposed and that opportunities will be available. The State's obligation to ensure women's equality with men in all fields is clarified, as is its obligation to enable women to combine family obligations with their right to work. The State must also provide work-related health and social-insurance services and protect motherhood and the child.

II. Women and the right to work under Egyptian law

Egyptian labour laws have made the principles laid down by the Constitution obligatory, since they have given legal protection to the right to work by making it a crime to violate or attempt to violate that right. They have also

made it a crime to flout the laws governing the employment of women, as the following details make clear:

1. Penal Code

(a) Article 375 of the Penal Code (Law No. 58 of 1937, modifying Law No. 34 of 1951) states that it is a criminal offence to violate another person's right to work, or that person's right to employ a third party, or, in order to prevent another person from employing a third party, to use force or violence or illegitimate means such as stalking, or concealing equipment or clothing. The penalty for that offence, or for incitement thereto, is a maximum prison sentence of two years, in addition to a maximum fine of 100 Egyptian pounds.

(b) Reference is made in part one, chapter II, section 10, of this report to the articles of the Penal Code which make it an offence to assault women or use violence against them.

2. Law No. 137 of 1981 concerning the Labour Code

Article 150 of the Law establishes a general provision guaranteeing the applicability to female workers of all the stipulations made with regard to the employment of workers. No differentiation is to be made between them on the basis of the employment involved, and the provisions governing the employment of women must not be infringed. Articles 152 and 153 authorize the Minister of Manpower to define the conditions under which women are permitted to work at night. He also has the right to define the types of work which are harmful to women's health or morals and in which women may not be employed (such as in the production of explosives, or in mines, quarries and furnaces). Employers of women workers on night-shift must provide the guarantees necessary for their security, protection and safe transportation. As part of the constitutional obligation to protect motherhood and the child, and in order to ensure that women are able to combine family obligations with their work, the law gives women the following rights:

(a) Article 154 provides for the right of the female worker to 50 days' maternity leave on full pay on three occasions during the period of employment, and stipulates that she shall not return to work for the 40 days subsequent to delivery.

(b) Article 155 provides that, for the 18 months following the date of delivery, a woman shall have the right to take two rest breaks of at least half an hour, in addition to the fixed break, in order to breastfeed her child. These breaks shall be considered part of the working day, and no deductions made from her wages.

(c) Article 156 specifies that women working in establishments employing more than 50 persons have the right to take leave without pay for a period of one year for the purpose of childcare on three occasions during the period of employment. (This right was introduced in the law mentioned in the section on the protection of motherhood and the child.)

(d) Article 158 provides that owners of establishments employing more than 100 women shall set up a nursery. Where a smaller number of women is employed, the law stipulates that establishments located in one area shall participate in the cost of providing a nursery.

(e) The articles of this Law give a comprehensive list of reasons for termination of employment and dismissal unrelated to marital status, pregnancy or maternity.

Article 174 of the Law states that any infraction of the provisions related to the employment of women is a crime, for which a fine shall be imposed.

3. Law No. 47 of 1978 containing the regulations covering government employees, and Law No. 48 of 1978 containing the regulations covering the public sector

Both these Laws contain similar provisions with regard to women, in accordance with the precepts set out in the Constitution regarding the State guarantee that women shall be enabled to combine family obligations with work responsibilities. Details of these provisions are as follows:

(a) There are no provisions in either Law that could be considered to violate the principle of equality between men and women. That includes all the provisions regulating employment and the rights and responsibilities arising therefrom, remuneration, promotion, and health and social insurance.

(b) The provisions of both Laws guarantee the granting of rights to women, particularly in the context of the constitutional obligation to protect maternity, the child and the family. Details are as follows:

- Women have the right to three months' maternity leave on full pay on three occasions during the period of service; this is special leave, and shall not be regarded as part of normal annual leave.

- Women have the right to two years' leave without pay for the purpose of childcare on three occasions during the period of service.

- Providing it is at her request, the workplace has the right to employ a woman on a part-time basis, at proportional rates of remuneration.

- Both men and women have the right to take leave without pay in order to accompany their spouse abroad.

- The laws give a comprehensive list of reasons for termination of service unrelated to marital status, pregnancy or maternity.

4. Labour conventions

Egypt joined the International Labour Organization in 1936, and has acceded to 118 of its conventions, including Convention No. 41 concerning Employment of Women during the Night (revised 1934); Convention No. 89 concerning Night Work of Women Employed in Industry (revised 1948) and Convention No. 100 concerning

Equal Remuneration for Men and Women Workers for Work of Equal Value (1951). In accordance with article 151 of the Constitution, these conventions are considered to have the same legislative status as Egyptian laws, and to be equally binding.

5. Law No. 50 of 1977 concerning childcare facilities

This Law was enacted with a view to encouraging the establishment of childcare facilities for children under six years old, thus facilitating women's entry to the labour market by the provision of the necessary protection for children during working hours.

6. Laws concerning social insurance and social security

(a) Law No. 79 of 1975, concerning social insurance, applies to those employed by the Government and in the public and private sectors.

This Law provides general precepts applicable to both men and women, covering entitlement and the conditions attached thereto, including cases where a husband is entitled to his wife's salary and vice versa. In certain circumstances, this Law gives a divorced woman entitlement to her husband's pension (art. 105). Article 112 gives a widow the right to combine her own income or personal pension with her husband's pension, with no limitations.

(b) Law No. 112 of 1980, concerning social insurance for the labour force, provides coverage for all working groups not covered by the first law, such as agricultural labourers, household servants, employers, building labourers, part-time and seasonal workers, owners of agricultural land, fishermen and trainees. This Law provides coverage for all groups, without discriminating between men and women, and specifies the rules for participation and those entitled to participate.

(c) Law No. 30 of 1977, concerning social security, is intended to guarantee a minimum income for families with no insurance coverage, including orphans, widows, divorcees, pregnant women, the totally incapacitated, the elderly, the families of prisoners, invalids, breastfeeding mothers, and families with no breadwinner. The Law guarantees that they shall be provided with a monthly pension or a lump-sum emergency payment.

III. The right to work and the actual position of women with regard to work

Women have made significant gains in the labour market in Egypt as a result of efforts made by the State, its development plans implementing the policy of encouraging women to work and opening every field to them, and the success of educational policies in raising educational levels and eradicating illiteracy, as the following indicates:

Women now represent 39 per cent of employees in all branches of government service.

The number of women in top executive positions in the government sector rose from 2.8 per cent in 1981 to 13 per cent in 1993.

Women represented 36.3 per cent of all those working in science or technology in 1992.

The percentage of women working in various fields is as follows:

Journalism - 25.2 per cent in 1994

Diplomatic corps - 14 per cent in 1995

Broadcasting and television - 33.8 per cent in 1992

Elementary schools - 51.76 per cent

Preparatory schools - 44.04 per cent

General secondary schools - 35.70 per cent

Industrial education schools - 25.09 per cent

Agricultural secondary schools - 23.38 per cent

Commercial secondary schools - 45.50 per cent

Teachers' training colleges - 35.68 per cent in 1994.

According to the statistics for 1984-1988, there has been a significant increase - from 18.7 per cent in 1984 to 35.4 per cent in 1988 - in the proportion of women working in the liberal professions. Distribution by category is as follows:

	Percentage	
	1984	1988
Professional and technicians	29.3	32.4
Trainees	17.7	19.9
Clerical	28.5	41.4
Sales	17.2	25.9
Services	7.2	11.7
Agricultural and fishing	20.6	50.7
Manufacturing	5.8	12.8
Miscellaneous	36.3	

IV. Social services and training

With respect to the social services responsible for encouraging and supporting women, and enabling them to combine family obligations with work responsibilities, State efforts led to an increase in the number of childcare facilities from 2,355 in 1983 to 5,073 in 1993. Twenty-five centres have been opened in order to offer working women reasonably-priced services such as the provision of fully- or half-prepared meals, cleaning and ironing services.

The public sector is very active in this field, through a network of 3,472 local development associations spread throughout the Republic.

Eighty-eight offices have been established in order to provide family advice for women working away from their original homes.

V. Training

In Egypt, the State provides some professional training through the network of technical secondary schools and higher educational institutions. The public sector provides professional-training centres.

The policy of encouraging women to break into the field of government work has succeeded in raising the proportion of women enrolling in technical secondary schools to 43.3 per cent in 1991, and in higher institutes of technology to 33 per cent in 1990.

VI. Women supporting families

Recent studies, based on sample studies for 1988, have shown that the proportion of women supporting families has grown to 18 per cent. Bereavement is considered the primary reason for women to become breadwinners (widows represent 60 per cent of women supporting families). Divorce is responsible for the smallest number (4 per cent). The internal or external migration of the husband accounts for the remaining cases. Law No. 30 of 1977, concerning social security, covers these cases and assures them of a minimum income, through what are called security pensions for families without breadwinners. The State meets requirements through human-resource-training programmes, and by channelling public resources to environmental, domestic and commercial industries. The "productive-families" project is in the forefront of State projects intended to develop economic resources for the family, together with training projects for rural women.

There are currently 3,025 centres for the training of productive families, located in every village, town and neighbourhood district in Egypt, and used by 614,687 families. In 1993, 204,380 cases benefited from the provisions of the social-security law, receiving financial grants of 21,239,200 Egyptian pounds. Private and public associations are using various means to support the development of local associations, of which there are 3,472 throughout the country.

In this context, it is worth mentioning that the relevant bodies are currently studying how best to implement the recommendation made by the National

Conference on Women in Egypt to the effect that all legislation and other measures concerning employment should be reviewed, in order to give sustained impetus to women in this field.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

State provision of health care is guaranteed by the Constitution. Articles 16 and 17 guarantee that the State shall provide health services and seek to improve their quality and individual access to them. All citizens have the right to health insurance, and men and women have equal rights to the same services, without prejudice or discrimination. Women can use a range of services relating to pregnancy and post-natal care, and the Ministry of Health has created an extensive network of hospitals, treatment centres, health-care centres and clinics in Egyptian cities and rural areas. By 1990, health-care cover stood at almost 100 per cent, with a ratio of two doctors and two nurses for every 1,000 inhabitants.

The health-insurance scheme offers treatment to State employees, salaried workers and widows, and was extended in 1993 to include schoolchildren. The scheme, which is paid for out of a token contribution by insured persons and employers, makes use of a large network of 25 hospitals and 116 clinics in 16 governorates. It serves the needs of 15 million citizens, including students, men, women and children, and does not discriminate on the basis of gender.

Women are given priority access to health-care services, including those provided by private cooperatives. In 1990 there were some 573 local-development cooperatives throughout Egypt, with a further 171 offering services to mothers and children, and 320 providing family-planning services.

The media plays an important role here by broadcasting health-education programmes on television and radio. The purpose of these programmes, sponsored by the Ministry of Health or by the media, is to educate the public about simple and appropriate health-care techniques, to improve general levels of education and culture, and to reduce illiteracy.

The State has been particularly successful in increasing the number of services offered to women and raising awareness about health issues in relation to pregnancy, children and family planning, as the following data show:

1. Life expectancy for women rose from 52 years of age in 1981 to 66 in 1992.

2. The mortality rate for nursing infants fell from 76 per 1,000 births in 1980 to 38 in 1990.

3. The infant-mortality rate fell from 11 per 1,000 births in 1980 to six in 1990.

4. The fertility rate fell from 5.28 per cent in 1980 to 3.9 per cent in 1992.

5. The percentage of women using contraception rose from 24 in 1980 to 47 in 1992.

6. The number of professionally assisted births rose from 9.4 per cent in 1980 to 33.5 per cent in 1992.

7. The percentages of children being vaccinated (triple vaccine - polio, measles, tuberculosis) rose from 62.5 for boys and 60.8 for girls in 1988 to 82.2 and 92.5 respectively in 1991, with the overall figure rising from 68 in 1985 to 89 in 1992.

8. The death rate among women during pregnancy or childbirth fell from 320 per 100,000 in 1986 to 184 in 1992/93.

9. The percentage of early marriages (under 16 years of age) fell from 16 in 1986 to 11 in 1991.

10. The percentage of births spaced less than two years apart fell from 30 in 1986 to 25 in 1991.[6]

11. The percentage of women involved in making decisions about fertility rose from 40 in 1986 to 50 in 1991.[7]

Abortion

Articles 260 to 264 of Egypt's law on abortion prescribe the penalties for this crime as follows:

(a) A person who causes a woman to abort whether by striking her or by any other form of injury shall be punished by a term of imprisonment with hard labour (art. 260).

(b) A person who induces an abortion through the use of drugs or other methods, with or without the woman's consent, shall be punished by a term of imprisonment (art. 261).

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[6] National Population Strategy Report 1993.

[7] Ibid.

Female circumcision

Female circumcision is viewed as an old custom which has begun to die out as a result of the education of women in urban areas. The practice continues on a reduced scale in remote rural areas, where it is carried out in secret, far from clinics and hospitals, using primitive methods. Thus, it is not possible to provide statistical data on the practice. The State is tireless in its efforts to eradicate female circumcision, by extending education, combating illiteracy and directing the media to draw attention to the damaging effects of the practice. The law also prescribes penalties for those who perform these operations, based on the fact that they are operating as medical practitioners without the requisite licence, and causing injury and suffering to the person who undergoes such an operation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality between men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 11 of the Constitution contains a general provision which stipulates that the State shall guarantee equality between men and women in political, economic and social life. This principle is reflected in all the laws and regulations which Egypt has adopted.

Neither civil nor commercial law makes any distinction between men and women with regard to the regulations governing civil or commercial competence. Thus, men and women are equal before the law at their majority, and with regard to the circumstances and procedures for declaring legal incompetence and appointing a trustee or guardian. This information has already been covered in part one, chapter II, sections 4 and 12, of this report. Marriage has no effect on these provisions, and therefore women enjoy full civil and commercial competence upon reaching their legal majority. A woman has full financial independence and legal personality in the exercise of all her rights, including the right to own or inherit property, to perform business, legal and administrative transactions, and to obtain loans or mortgages of all kinds without any restrictions or conditions being imposed on her freedom before or after marriage, or by her father or husband. Women receive all family benefits (health care and health insurance, etc.) when they are widowed or divorced, in accordance with the laws in force, and are entitled to family support in the

absence of the husband, or if they have custody of children following divorce. This does not adversely affect their own insurance benefit.

Women at all levels, in the Government and elsewhere, are also entitled to special social and health benefits arising from their role as wives, mothers, carers or guardians of children, as was explained in part one of this report.

Egyptian women also participate freely and fully in recreational activities, games, sports and cultural life, with girls taking physical education and artistic training as part of their basic education at all levels. There are also university departments for physical education for girls, which are working to create a generation of specialists who will ensure that sports are available to girls throughout their education. Egyptian society is full of women who have gained prominence in sports and the arts, winning sports awards and cultural and artistic prizes at the local, regional and international levels.

Students' sports associations, rural clubs and youth centres throughout the country have done a great deal to encourage the establishment of girls' sports teams and to organize national competitions for these teams as a way of helping to promote sports for girls. These bodies also organize important social, recreational and cultural activities, such as educational trips and artistic and cultural competitions.

The private sector, as represented by women's associations and other organizations, plays an active part in this domain, using a huge network of associations throughout Egypt.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The Egyptian Constitution pays particular attention to the situation of rural women in Egypt, requiring the State to guarantee them cultural, social and health-care services and to improve the quality of their lives (art. 16). All rural-development plans in Egypt focus on improving the lot of rural women, which is seen as fundamental to achieving progress in this domain. According to statistics for 1991, some 53 per cent of the population lives in rural areas.

In line with its rural-development plans, Egypt played an active part in the preparation of the 1992 Geneva Declaration for Rural Women, while government policy has underlined the growing importance of rural women. All the related ministries (Health, Education, Culture, Social Affairs, Agriculture and Local Government Administration) have undertaken projects which are targeted at rural women in general, seeking to improve their lot and meet their needs. The bulk of investment loans are earmarked for that purpose, as is cooperation from designated international organizations. (The institutional mechanisms, agencies and organizations working for the advancement of women are described in part one, chapter IV, of this report, and in the commentary on article 3 of the Convention, in part two).

In addition to government bodies and agencies, private associations, which are supported by the State, have an important role to play, since they promote development at the local, village and town levels, and are connected to all women's associations. Women play a major role in administering or in working in these associations, which cover such areas as health improvement, comprehensive care and family planning. Around 1,746 women's committees were working in rural women's development centres in 1989, with 3,572 associations for health care and social development in the Egyptian countryside, working on family and childcare issues as well as rural community development.

The following is a list of governmental and non-governmental projects aimed at supporting the advancement of rural women:

1. A comprehensive health-care and -development project for rural children, under the auspices of the National Council for the Mother and Child; the project includes a children's nutrition programme and training in preparation of economical meals, so as to improve children's health;

2. The national campaign to eradicate illiteracy, particularly among rural women, in cooperation with the United Nations Development Programme;

3. A project to improve the health of rural women, in cooperation with the United Nations Children's Fund, offering training to expectant mothers and educating women about nutrition;

4. A project to improve family-planning services, in cooperation with the United States Agency for International Development and the United Nations Population Fund;

5. A project to promote self-reliance among rural women, offering them loans for income-generating activities, in cooperation with the International Labour Organization;

6. A project for rural women's development centres, in cooperation with the United Nations Children's Fund, aimed at helping impoverished women.

And a number of Ministry of Social Affairs projects, which include:[8]

1. A productive-families project aimed at increasing the income of Egyptian families and improving their quality of life, by teaching women certain occupations, agricultural skills and techniques for food production; some 56,545 families had benefited from this programme by 1990;

2. Centres for training in domestic and environmental skills, aimed at modifying consumption patterns and improving quality of life, in cooperation with the Food and Agriculture Organization of the United Nations;

3. Some 491 family-planning centres, which provide Egyptian families with information on contraception and offer fertility treatment;

4. Family guidance and advisory centres to assess and assist newly married couples, offering family guidance and resolving issues relating to family life; there were 75 such centres in 1990;

5. Rural-women-leaders project, aimed at creating a class of leaders who can raise awareness about health matters and help eradicate illiteracy; there were some 1,572 leaders in 1992;

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[8] Report on the situation of rural women in the Near East and North Africa in the light of the Geneva Declaration (Cairo, 13 to 16 December 1993), issued by the National Council for the Mother and Child.

6. Women's clubs, dealing with the issue of women and work, the problems they face and possible solutions; clubs numbered around 382 in 1990 and 443 in 1992.

The State's policies for rural development have been particularly successful in improving health coverage and women's and children's nutrition, increasing the number of births handled by professionals and the number of women using contraception, while reducing the rate of population growth and female illiteracy, as the following shows:

1.	Fertility rate	1980	5.28%	1992	3.93%
2.	Contraception use	1980	24.2%	1992	47.1%
3.	Vaccination of children (six diseases)	1985	70%	1992	89%
4.	Professionally attended births	1980	9.4%	1992	33.5%
5.	Decline in population-growth rate			1992	2.4%
6.	Decline in illiteracy	1986	62%	1992	57.41%
7.	Health coverage			1992	98%
8.	Vaccination of women			1993	57%

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 40 of the Egyptian Constitution contains a general provision relating to the principle of equality, stating that all citizens are equal before the law and have the same general rights and obligations. The law does not discriminate against citizens on the basis of gender, ethnic origin, language, religious affiliation or creed. Article 11 requires the State to

guarantee that men and women are treated equally in political, social, cultural and economic life. Article 50 makes it illegal to prevent a person from residing in a particular area, other than in legally sanctioned circumstances. Article 68 stipulates that all citizens have the inalienable right to go to litigation and that the law cannot exempt any administrative action or decision from legal scrutiny. Egypt's legislation conforms to these constitutional principles. Part one, chapter II, of this report has already shown how these principles are enshrined in legislation.

1. Civil competence

The provisions of Civil Law No. 131 of 1948 conform to these principles by stating that the human personality begins with birth and ends with death (art. 29), and that the birth must be officially registered (art. 30). By law, every individual must have a name and surname (art. 38).

Article 44 of this Law stipulates that the age of maturity is reached on the twenty-first birthday, at which stage a person enjoys the capacity to reason and has no limitation on his or her legal capacity to enjoy his or her civil rights. Article 45 describes the circumstances in which a person does not have legal capacity, and this includes instances of feebleness of mind, insanity, or being under seven years of age. The article also describes the circumstances in which a person can be declared legally incompetent, which applies to cases of weakness or simpleness of mind. Article 47 stipulates that the provisions concerning the appointment of a legal guardian, ward or trustee must be applied in the case of persons who do not have, or are deprived of, their legal capacity.

Articles 48, 49 and 50 of the Law stipulate that a person cannot relinquish his or her legal capacity or modify the rules which govern it, and that no one can relinquish his or her personal liberty. It also states that each person who suffers an illegal infraction of his or her rights as a legal person has the right to put a stop to this infraction and seek compensation for any damage that has been done.

The Law also contains provisions relating to contracts and other legal transactions, as well as the administration of finances, and to other legal persons.

None of the abstract and general legal principles referred to above makes any distinction between men and women. No restrictions are placed on women's legal capacity by virtue of marriage or ties of kinship. Thus, upon reaching their majority, women retain their legal capacity, and the right to undertake legal transactions with respect to all their property and work entitlements, and to purchase, inherit and manage their property without restriction or limitation or loss of legal capacity.

According to article 48 of this Law, any restriction on a woman's legal capacity is void, since no one can forfeit his or her legal capacity, or amend its conditions, or relinquish individual liberty, as explained above.

2. Laws on litigation

In accordance with the Constitution, the laws relating to the right to litigation (the Codes of Civil and Commercial Procedure, the Code of Criminal Procedure and related laws) stipulate that all citizens have the right to litigation, in accordance with the rules governing capacity to seek legal redress, and the conditions for appointing legal representation in the case of absence or withdrawal of legal capacity. All the general rules apply to men and women without distinction or discrimination, and marriage does not affect these rights. Therefore, women can take part in litigation in all its forms, whether as the plaintiff or the defendant, on the same footing as men, and with the same legal rights. There are Egyptian women working in the legal profession, in juridical organizations (the State Prosecutor's Office and the Administrative Prosecutor's Office). Egyptian women are also involved in work on juvenile cases, since article 28 of Law No. 31 of 1974 stipulates that a juvenile court shall be made up of one judge and two expert assistants, at least one of whom must be a woman.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

In Egypt, marriage is a contract by mutual consent, and by law it must be concluded by the free, mutual consent of both parties. Since marriage in Egypt is governed by the law on personal status, it is also subject to Shariah law, which imposes obligations on both parties with regard to the validity, conclusion, dissolution and annulment of the marriage.

The law states that the age of consent for males is 18, while that for females is 16. The marriage contract must be concluded and documented in official records, official documents must be issued indicating that the marriage has taken place, and the marital status must appear in the identity papers, in accordance with the rules for registrars and other officials authorized to perform civil marriages, and the provisions of Law No. 260 of 1960, on personal status.

According to Egyptian law, marriage does not affect a woman's financial independence of her husband. A woman retains her first name and surname, which does not change after marriage, and she has complete liberty to manage and dispose of her finances, to conclude contracts and obtain loans, and to perform any other legal transaction, unimpaired by the fact of her marriage.

Women have the right to act as guardians of minors, and, in the case of divorce or dissolution of the marriage contract, to obtain custody of their male children up to the age of 10 and their female children up to the age of 12. They may also seek legal redress if they consider it to be in the interest of minors to extend custody of male children up to the age of 15, and of female children until they marry. The father has the right of frequent access to his children during this period and must provide for them as long as custody lasts.

Women and men share full responsibility for all matters arising from their marriage, including the maintenance and support of the family unit and decisions about the number and spacing of their children; the extent and impact of this shared responsibility differ according to the educational and cultural background of each partner. The State's development plans focus on the eradication of female illiteracy, particularly in backward and rural areas. The State also supports the role of women in sharing with her husband in their commitment to the family and children.

State agencies are currently implementing the recommendations made at the first National Conference on Women (June 1994), by undertaking a detailed study of a standard marriage document with a view to precluding disputes over its validity and the need for legal recourse. The law concerning the procedures for litigation in personal-status cases is also being updated in an attempt to simplify those procedures and reduce the number of conditions attached to them.

PART THREE

RESPONSE TO QUESTIONS RAISED AND RECOMMENDATIONS MADE UPON CONSIDERATION OF EGYPT'S SECOND PERIODIC REPORT

This part of the report contains the response to the matters raised by the experts during the discussion of Egypt's second periodic report. Related subjects will be dealt with together.

1. The relationship between positive law and the Islamic Shariah in the Egyptian legal system

The Egyptian legal system is based on a number of legislative levels, of which constitutional principles and precepts are foremost, followed by legal principles. The legislative authority is therefore bound to apply constitutional principles when enacting laws. Any violation by the legislative authorities of these principles would be considered as flouting the Constitution. The Supreme Constitutional Court, an independent legal body established by the Constitution, monitors the constitutionality of laws in Egypt, and rules on the nature of legal texts that violate constitutional principles. Its decisions, published in the Official Gazette, are final, and binding on all State authorities. The law has also given the Court the power to interpret legal texts and to rule on the extent to which they are binding on all State authorities.

In article 2, the Constitution states that the principles of the Islamic Shariah are the primary source of legislation. They are an obligation by which the legislative authorities are bound when issuing laws, just as they are bound by constitutional precepts. This constitutional text does not mean that the Shariah is the only source of legislation; there are in fact many others, as there are in every legal system. The text also indicates that the laws issued by the legislative authority constitutionally appointed for that purpose must be applied by the judiciary.

The judiciary, pursuant to the provisions of articles 165 and 166 of the Constitution, is independent, and issues its rulings in accordance with the law. No authority is greater. The provisions of the Convention become part of the Egyptian legal system once the necessary constitutional measures have been completed and the provisions have been published in the Official Gazette. Those provisions are then applicable in any dispute brought before the courts (this is referred to in detail in part one, chapter V, of this report and in the commentary on article 2 of the Convention, in part two of the report).

2. Exploitation of the prostitution of women

In this field, Egypt has applied all appropriate measures in order to suppress all forms of traffic in and exploitation of the prostitution of women at all levels. It has done this, firstly, by participating in all international efforts made in this regard, and by acceding to all the relevant international agreements and conventions, from the International Agreement for the Suppression of the White Slave Traffic (Paris, 1904) to the International Convention

of 1950. These instruments became law pursuant to Republican Decree No. 884 of 1959.

In implementation of the provisions of the 1950 Convention, Law No. 10 of 1961 was enacted, characterizing as crimes all the acts for which the said Convention demanded punishment, and stipulating the appropriate penalties and measures (these acts and the penalties for them are discussed above, in the commentary on article 6 of the Convention, in part two of the report).

It should be noted that the security forces and the judiciary in Egypt play a role in implementing all the provisions of the above Convention and in keeping with the international cooperation specified in its provisions, in order to support international efforts to suppress these crimes.

3. Female circumcision

Female circumcision is one of the customs and practices that have been inherited from much earlier, pre-Christian times, and that have no religious or legal basis. The custom is widespread in the African countries of the Nile basin, including Egypt, and some other countries. It is widely believed that it is practised in order to safeguard the chastity of women, without taking into account the physical or psychological consequences.

As a result of the increasing education of women and mothers, this practice is becoming less common, particularly in the light of State efforts to expand education, eradicate illiteracy and raise women's awareness of health issues through programmes and the media. As a result, this custom has been more or less suppressed in the towns and more developed regions. It is still practised, decreasingly, in remote areas, far from media or educational services, where illiteracy among women is widespread.

State efforts to suppress this custom are concentrated on raising awareness of health issues and directing programmes for the eradication of illiteracy towards remote areas where the custom is still practised.

Here it should be noted that it is difficult to provide statistics on this issue, since this practice is carried out in secret, by unqualified practitioners, as it may not be performed in governmental or non-governmental medical facilities. Furthermore, the victims of the practice are young and controlled by their relatives. Those who carry out the operations are committing a crime under Egyptian law, and are considered as practising medicine without a licence.

4. Abortion

Abortion is a crime under Egyptian law, as described in detail in the commentary on article 12 of the Convention, in part two of this report. It is permitted only when doctors consider that the pregnancy endangers the mother's life.

There is no conflict between the prohibition on abortion and restricting the maternity leave granted in accordance with the precepts of Egyptian law,

since the Government's aim is to limit women's fertility during the period of employment and encourage family planning through the use of specific, legal medical methods, provided free of charge by the Government through a network of family-planning offices throughout the country, and by non-governmental organizations working in this field. Naturally, these methods do not include abortion, since it is considered a crime.